

CLAIMS

The invention claimed is:

1. A double blind evaluation method for eliminating actual and potential bias from a malpractice claim evaluation process a malpractice claim, comprising the steps of;

retention by an entity having a direct or indirect interest in the claim of a neutral third party to obtain an independent evaluation of the claim;

acquisition by the third party of facts relating to the claim which are sufficient to permit an independent objective evaluation of the claim;

retention by the third party of a qualified independent expert to perform the claim evaluation;

redaction by the third party from the sufficient facts of all facts which would permit the expert to identify any party involved or having an interest in the claim;

submission by the third party of the sufficient facts after redaction to the expert in order to permit the expert to make an independent objective evaluation of the claim;

preparation by the expert of a written independent objective evaluation of the claim;

submission of the written claim evaluation by the expert to the third party;

redaction by the third party from the written claim evaluation of any information which would permit identification the expert; and

submission of the redacted evaluation to the entity retaining the third party.

2. The method of Claim 1, and in which the third party, in acquiring facts which are sufficient to permit an independent objective evaluation of the claim, acquires a plurality of the following:

- (a) facts and documents that relate to the claim;**
- 5 (b) background information about the party asserting the claim;**
- (c) background information about the party against whom the claim is asserted; and**
- (d) facts about the party's peer group in the same geographic area.**

Claim 3. The method of claim 2, and in which the background information includes a plurality of the following types of information:

- (a) resumes;**
- (b) at least one curriculum vitae;**
- (c) educational history;**
- (d) employment history; and**
- (e) professional training.**

4. The method for generating an independent evaluation by an expert of a medical malpractice claim asserted by a claimant, comprising the expert:

(a) stating medical cause of claimant's condition and including appropriate citations from medical literature;

5 (b) stating whether there was any action/inaction by the claimant which can be attributed to or cited as the cause of the current condition, listing by symptoms and/or cause;

(c) stating the identity each provider providing treatment to the claimant and, for each provider,

10 (i) stating each symptom/cause treated by that provider and the treatment rendered to claimant,

(ii) stating the reasonable standard of care for each symptom/cause treated, including citations from medical literature for the standard of care, and either

15 (A) stating at least one argument why each treatment actually rendered did not meet the applicable standard of care, and providing citations from medical literature for all arguments or

(B) stating at least one argument why each treatment actually rendered did not meet the applicable standard of care, and providing citations from medical literature for all arguments.

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5. The method of Claim 4, and, with respect to the expert stating the reasonable standard of care for each symptom/cause treated, both

stating at least one argument why each treatment actually rendered did not meet the applicable standard of care, and providing citations from medical

5 literature for all arguments, and

stating at least one argument why each treatment actually rendered did not meet the applicable standard of care, and providing citations from medical literature for all arguments.

6. The method of claim 4, and including the step of the expert stating the treatment that the expert would have selected to be rendered to the claimant, given the claimant's symptom and/or cause and providing citations from medical literature for treatment so selected.

7. The method of claim 5, and including the step of the expert stating the treatment that the expert would have selected to be rendered to the claimant, given the claimant's symptom and/or cause and providing citations from medical literature for treatment so selected.

8. The method of any one of the preceding claims 4 through 7, and including the step of the expert assuming, for at least one board-certified physician who rendered care to the claimant, that the physician's retention of such certification depends on whether the treatment rendered by that physician met the appropriate standard of care for a board-certified physician under these particular circumstances, and stating, for such physician:

(i) a treatment rendered by the physician;

(ii) the definition the standard of care which, in the expert's opinion, is applicable, for such treatment;

(iii) for such standard, whether the treatment rendered met such standard; and

(iv) the expert's reasons for such opinion.